

Oct 20, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

RONALD CRAIG ILG,
Defendant.

No. 2:21-CR-0049-WFN-1
ORDER

Pending before the Court are Defendant's Motion to Continue Sentencing Hearing and Associated Deadlines, ECF No. 147, and Defendant's Motion to Shorten Time re: Unopposed Motion to Continue, ECF No. 149. Defendant asks to continue the sentencing hearing in this matter to a date in January. Defendant intends to introduce a report from his treating psychologist in support of his sentencing request, and his psychologist will not be able to prepare the report until the end of November. Defendant's attorneys also have a two-week trial scheduled in December. Neither the Government nor the Probation Officer oppose the continuance. The Court has reviewed the file and the Motions and is fully informed. Accordingly,

IT IS ORDERED that:

1. Defendant's Motion to Shorten Time re: Unopposed Motion to Continue, filed October 20, 2022, **ECF No. 149**, is **GRANTED**. Defendant's Motion to Continue Sentencing Hearing and Associated Deadlines was considered on an expedited basis.

2. Defendant's Motion to Continue Sentencing Hearing and Associated Deadlines, filed October 20, 2022, **ECF No. 147**, is **GRANTED**.

3. The sentencing hearing is **CONTINUED to January 24, 2023 at 10:00 a.m., in Spokane, Washington**.

ORDER RE: SCHEDULE
FOR SENTENCING - 1

1 4. The United States Probation Officer shall prepare a timely presentence
2 investigation report which will comply with the following schedule:

3 (a) Not less than **35 days prior to the date set for sentencing**, the Probation
4 Officer shall disclose the presentence investigation report to counsel for Defendant and
5 the Government. Within **14 days thereafter**, counsel shall communicate in writing to the
6 probation office any objections they may have as to any factual errors or omissions;
7 sentencing classifications; sentencing guideline ranges; and policy statements contained in
8 or omitted from the report. Such communication may be oral initially but shall immediately
9 be confirmed in writing to the Probation Officer and opposing counsel.

10 Objections shall be numbered and identify the paragraph(s) to which the
11 objection applies. Objections shall address the PSR in sequential order, beginning with the
12 lowest numbered paragraph.

13 (b) After receiving counsel's objections, the Probation Officer shall conduct any
14 further investigation and make any revisions to the presentence report that may be necessary.
15 The Probation Officer may require counsel for both parties to meet with the officer to discuss
16 unresolved factual and legal issues and counsel shall make themselves available for that
17 purpose.

18 (c) At least **10 days prior to the date of the sentencing hearing**, the Probation
19 Officer shall submit the presentence report to the sentencing judge. The report shall be
20 accompanied by an addendum setting forth any objections counsel may have made,
21 including those that have not been resolved, together with the officer's comments and
22 recommendations thereon. The Probation Officer shall certify that the contents of the report,
23 other than sentencing recommendations, including any revisions or addenda, have been
24 disclosed to counsel for the Defendant and the Government, and that the addendum fairly
25 states any remaining objections.

26 (d) Except with regard to any written objection made under sub-division (a), the
27 report of the presentence investigation and computations shall be accepted by the Court as
28 accurate. Upon a timely objection by the Defendant, the Government bears the burden of

1 proof on any fact that is necessary to establish the base offense level. The Court, however,
2 for good cause shown, may allow a new objection to be raised at any time before the
3 imposition of sentence. In resolving disputed issues of fact, the Court may consider any
4 reliable information presented by the Probation Officer, the Defendant, or the Government.

5 (e) Nothing in this Order requires the disclosure of any portions of the PSR that
6 are not disclosable under Rule 32 of the Federal Rules of Criminal Procedure.

7 (f) **Any memorandum or motion** regarding sentencing must be filed and
8 served at least **15 days prior to the date set for sentencing**. The opposing party shall file
9 and serve a response, if any, **within 7 days** of receipt of the motion.

10 (g) If it is determined that the Defendant may qualify for the safety valve
11 (5C1.2), the parties must schedule a meeting to conduct a safety valve interview to determine
12 if the Defendant has met the requirements of U.S.S.G. § 5C1.2(a)(5) **no later than 10 days**
13 **prior to the sentencing hearing**. Counsel may request a continuance of the sentencing
14 hearing if the ends of justice so require.

15 The District Court Executive is directed to file this Order and provide copies to
16 counsel **AND TO** the United States Probation Officer Cassandra Lerch.

17 **DATED** this 20th day of October, 2022.

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20 WM. FREMMING NIELSEN
21 SENIOR UNITED STATES DISTRICT JUDGE
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10-20-22